

Will the broadcast flag interfere with consumers ability to make copies of DTV content for their personal use, either on personal video recorders or removable media?

For content control mechanism to function the participants must agree to abide to mutually acceptable rules. This means that before device A sends protected content to device B it needs to know device B is trustworthy.

Effectively ALL devices used to process protected data must implement the same protection technology and be designed in such a way as to prevent circumvention, noncompliant devices must be prohibited from the marketplace. This places tremendous power in the hands of those who control protection technology. Innovative new players will face increased hurdles in entering the market. Investors will be less likely to fund startups. The end result is less choice for citizens.

Would the digital flag interfere with consumers ability to send DTV content across networks, such as home digital networks connecting digital set top boxes, digital recorders, digital servers and digital display devices? In general most content protection schemes interfere with the exercise of traditional notion of fair-use. For example today my daughter is able to capture an image and paste it into a school report. She is free to email or post her report on the Web. The broadcast flag will likely make that impossible.

Would the broadcast flag requirement limit consumers ability to use their existing electronic equipment (equipment not built to look for the flag) or make it difficult to use older components with new equipment that is compliant with the broadcast flag standard?

To be effective new equipment must refuse to transfer protected content to legacy or other non-compliant devices, otherwise the protection mechanism is worthless. In addition the anti circumvention provisions of DMCA will have to be used to prevent the development of equipment or software that ignores this new federal mandate.

Another problem with any protection scheme is long-term archiving. Whatever mechanism is selected must be supported in perpetuity or archived material will become unavailable. This threatens the loss of cultural diversity, as protected material is lost over time.

The constitution states copyright protection is •for a limited period of time. • The technical means used to protect content have no expiration • they are in force forever. Doesn't that violate the spirit of how the founding fathers intended copyright protection work?

Would a broadcast flag requirement limit the development of future equipment providing consumers with new options?

For the first time in human history the Internet allows ordinary citizens to communicate with anyone in the world at virtually zero cost. Content protection mechanisms on the other hand attempt to raise the cost of information exchange to pre Internet levels to protect existing business models.

The Internet is powerful because it enables innovation to occur at the edge of the network. Innovators are able to create new services and business

models without requiring the cooperation or permission of the network owners. Content Control mechanisms destroy that openness. It forces Innovators to adopt the status quo and mandate they license "approved" content protection mechanisms from participants that may be threatened for the very business model being deployed. This enable the incumbent to exercise virtual veto power over new technology -- slowing down innovation and economic growth.

What will be the cost impact, if any, that a broadcast flag requirement would have on consumer electronics equipment?  
Cost needs to be measured in two ways, the direct incremental cost of the technology and inconvenience.

Where is the consumer benefit of all this? Why should citizens be asked to subsidize a particular business model that requires this level of protection? I though this was the era of deregulation? Let competitive pressure determine the best way to distribute creative works over the Internet.

Why should content owners be allowed to transfer this cost to the general public? If they feel the need to protect their product it should be reflected in the cost of the product, not as a general tax on citizens. If I want to protect my family I purchase locks or a security system and pay for it out of my own pocket, the media companies should do the same.

#### Other Comments:

Digital technology represents tremendous technology change. The cost of creating, and sharing information with anyone on the planet has been reduced almost to zero. In the past when such technology shifts occur they created vast new business opportunity even as they rendered some business models obsolete.

Never before has the US government expended as much effort to protect a business model threatened by new technology. I believe the imposition of content controls desired by the music and movie industry threaten innovation and will hurt economic growth. Successful companies are the ones that learn to exploit the new value proposition of low cost distribution rather than fight it with crippling content protection schemes. Content protection mechanisms will not be successful in protecting the current business model • The Internet demands companies exploit the new reality or perish.